

### **REMARKS/ARGUMENTS**

This Reply is filed in response to the final Official Action for a Request for Continued Examination (RCE) of the above-identified patent application. The present application includes pending Claims 1-25, of which the final Official Action continues to reject Claims 1-6 and 19-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and particularly as failing to produce a tangible result. In addition, the final Official Action continues to reject Claims 1-16 and 18-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,510,381 to Grounds et al.; and reject Claim 17 under 35 U.S.C. § 103(a) as unpatentable over Grounds in view of U.S. Patent No. 5,345,388 to Kashiwazaki.

As explained below, Applicants continue to maintain that the claimed invention is directed to patentable subject matter, and is patentably distinct from Grounds and Kashiwazaki, taken individually or in combination. Accordingly, Applicants respectfully traverse the rejections of the claims as being directed to non-patentable subject matter, as anticipated by Grounds, or as being unpatentable over Grounds in view of Kashiwazaki. In view of the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

#### ***A. Claims 1-6 and 19-25 are directed to Patentable Subject Matter***

The final Official Action continues to reject Claims 1-6 and 19-25 for being directed to non-patentable subject matter. More particularly, the Official Action continues to allege that method Claims 1-6 and computer program product Claims 19-25 “merely recite the manipulation of measured data and do not produce a tangible result.” Applicants respectfully submit, however, that independent Claims 1 and 19, and by dependency Claims 2-6 and 20-25, recite obtaining the location of the terminal in response to termination of a defined connection of the terminal. And as the positive step of obtaining the location of the terminal produces a tangible result (i.e., the location of the terminal), Applicants respectfully submit that independent Claims 1 and 19, and by dependency Claims 2-6 and 20-25, are directed to patentable subject matter.

Further, Applicants note that the computer program product of Claims 19-25 includes a computer-readable storage medium having computer-readable code portions stored therein, those portions including a number of executable portions. And as explained in the U.S. Patent and Trademark Office's *Interim Guidelines for Examination of Patent Applications for Patentable Subject Matter Eligibility* (hereinafter "*Interim Guidelines*"), "[w]hen functional descriptive material [(executable code portions)] is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." *Interim Guidelines*, Annex IV, page 50 (emphasis added). See also *id.*, Annex IV (a), page 52.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of 1-6 and 19-25 for being directed to non-statutory subject matter is overcome.

***B. Claims 1-16 and 18-25 are Patentable over Grounds***

The final Official Action continues to reject Claims 1-16 and 18-25 as being anticipated by Grounds. Again, Grounds discloses a vehicle-mounted device and method for transmitting vehicle position data to a network-based server. As disclosed, the device includes a first module for receiving and processing positioning signals into vehicle position data. The device also includes a second module for communicating the signals to a network-based server using a wireless communications system. In this regard, the device can further include memory for storing the signals on-board the device during periods that the device is out of range of the wireless communication system for later transmission to the network-based server.

According to one claimed aspect of the present invention, as recited by independent Claim 1, a method of obtaining a terminal location includes defining at least one connection of the terminal. The terminal is monitored for establishment of a defined connection where the defined connection is established by the terminal. The terminal is also monitored for termination of the defined connection after the defined connection is established. Termination of the defined connection, then, triggers obtaining a location of the terminal at the terminal. As further recited, the location of the terminal is obtained at the terminal and in response to termination of the defined connection. In this regard, the terminal obtaining its location includes (i) determining

the location of the terminal at the terminal; or (ii) communicating with a location provider located remote from the terminal to thereby receive the location of the terminal from the location provider, the location provider having determined the location of the terminal.

As explained in response to the second, non-final Official Action of this RCE, in contrast to the claimed invention, Grounds does not teach or suggest termination of a defined connection triggering a terminal to obtain its location. Grounds does disclose a device communicating the location of a vehicle to a remote networked-based server or a local memory depending on whether the device has established communication with a wireless communication system including the server. Nowhere, however, does Grounds teach or suggest that termination of the device's connection with the wireless communication system, or connection with any other device, triggers the device to obtain its location (or the location of its associated vehicle). Rather, Grounds discloses that the device obtains the vehicle's location irrespective of the device's connection with the wireless communication system. The connection merely determines the destination of the already obtained location. The claimed invention, on the other hand, recites that termination of a terminal's connection triggers the terminal to obtain its location.

In response to the foregoing, the final Official Action maintains that Grounds does disclose the aforementioned feature of the claimed invention, citing Figure 3 of Grounds. In particular, the Official Action asserts that Grounds discloses steps of determining whether wireless communication is established, and if not, triggering an EEPROM to obtain and store the location of the vehicle-mounted device. Even under this interpretation, however, Applicants respectfully submit that Grounds still does not teach or suggest triggering obtaining the location of the terminal in response to a transition in operation of the terminal, from an established connection to a terminated connection (i.e., termination of a defined connection triggering obtaining a location of the terminal at the terminal). Rather, Grounds discloses triggering obtaining the location of the terminal in response to a state of operation of the terminal, the state being a connected/disconnected state.

Further, and even if one could argue (albeit incorrectly) that Figure 3 of Grounds discloses a decision step whereby the terminal being in a disconnected state triggers an EEPROM to obtain and store the location of the vehicle-mounted device, Grounds still does not teach or suggest termination of a defined connection triggering the terminal to (i) determine its own location, or (ii) communicate with a remote location provider to receive its location therefrom. Rather, Grounds clearly discloses a vehicle mounted device obtaining its location irrespective of a connected/disconnected state of the device (see FIG. 3, block 380), and only determining whether to transmit that location or store it in an EEPROM based upon the connected/disconnected state of the device. In the claimed invention, on the other hand, transitioning from an established connection to a terminated connection triggers the terminal to determine its own location, or communicate with a remote location provider to receive its location.

Applicants therefore respectfully submit that independent Claim 1, and by dependency Claims 2-6 and 25, is patentably distinct from Grounds. Applicants also respectfully submit that independent Claims 7, 13 and 19 each recite subject matter similar to that of independent Claim 1, including the aforementioned features of termination of a defined connection triggering a terminal to obtain its location, and obtaining the location of the terminal. Accordingly, Applicants also respectfully submit that independent Claims 7, 13 and 19, and by dependency Claims 8-12, 14-18 and 20-24, are also patentably distinct from Grounds for at least the same reasons given above with respect to independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-16 and 18-25 as being anticipated by Grounds is overcome.

***C. Claim 17 is Patentable over Grounds in view of Kashiwazaki***

As explained above, Grounds does not teach or suggest termination of a defined connection triggering a terminal to obtain its location, as recited by independent Claim 1 and similarly by independent Claim 13, and by dependency Claim 17. Similarly, Applicants respectfully submit that Kashiwazaki does not teach or suggest the aforementioned termination triggering or location obtaining features of the claimed invention. Thus, as neither Grounds nor

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Kashiwazaki teach or suggest the termination triggering or location obtaining features of the claimed invention, the combination of Grounds and Kashiwazaki likewise does not teach or suggest these features. Accordingly, Applicants respectfully submit that independent Claim 13, and by dependency Claim 17, is patentably distinct from Grounds and Kashiwazaki, taken individually or in combination.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claim 17 as being unpatentable over Grounds in view of Kashiwazaki is overcome.

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### **CONCLUSION**

In view of the remarks presented above, it is respectfully submitted that all of the claims of the application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicants respectfully request entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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